

013160

JPRS 82381

3 December 1982

Worldwide Report

LAW OF THE SEA

No. 214

19990810 103

DISTRIBUTION STATEMENT A

Approved for Public Release
Distribution Unlimited

FBIS

FOREIGN BROADCAST INFORMATION SERVICE

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U.S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

6
31
A03

NOTE

JPRS publications contain information primarily from foreign newspapers, periodicals and books, but also from news agency transmissions and broadcasts. Materials from foreign-language sources are translated; those from English-language sources are transcribed or reprinted, with the original phrasing and other characteristics retained.

Headlines, editorial reports, and material enclosed in brackets [] are supplied by JPRS. Processing indicators such as [Text] or [Excerpt] in the first line of each item, or following the last line of a brief, indicate how the original information was processed. Where no processing indicator is given, the information was summarized or extracted.

Unfamiliar names rendered phonetically or transliterated are enclosed in parentheses. Words or names preceded by a question mark and enclosed in parentheses were not clear in the original but have been supplied as appropriate in context. Other unattributed parenthetical notes within the body of an item originate with the source. Times within items are as given by source.

The contents of this publication in no way represent the policies, views or attitudes of the U.S. Government.

PROCUREMENT OF PUBLICATIONS

JPRS publications may be ordered from the National Technical Information Service, Springfield, Virginia 22161. In ordering, it is recommended that the JPRS number, title, date and author, if applicable, of publication be cited.

Current JPRS publications are announced in Government Reports Announcements issued semi-monthly by the National Technical Information Service, and are listed in the Monthly Catalog of U.S. Government Publications issued by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Correspondence pertaining to matters other than procurement may be addressed to Joint Publications Research Service, 1000 North Glebe Road, Arlington, Virginia 22201.

3 December 1982

WORLDWIDE REPORT
LAW OF THE SEA

No. 214

CONTENTS

WORLDWIDE AFFAIRS

- U.S. Tuna Boats Said To 'Invade' New Zealand Waters
(THE NEW ZEALAND HERALD, 8 Oct 82) 1

ASIA

INTER-ASIAN AFFAIRS

- Taiwanese Boat Forfeited for Fishing in New Zealand Zone
(THE EVENING POST, 12 Oct 82) 2

AUSTRALIA

- Editorial Hits Reagan for U.S. Reversal on Law of Sea Pact
(Editorial; THE WEST AUSTRALIAN, 6 Oct 82) 3

INDIA

- Marine Survey Teams To Explore Economic Zone
(PATRIOT, 29 Oct 82) 4

- S&T Minister Announces Plan To Exploit Ocean Wealth
(THE STATESMAN, 6 Nov 82) 5

- Briefs
Minister on Seabed Mining 6

MALAYSIA

U.S. Stand on Law of Sea Treaty Criticized
(Lumpur International Service, 11 Nov 82) 7

PHILIPPINES

Minister Speaks on Law of the Sea
(BUSINESS DAY, 5 Nov 82) 9

LATIN AMERICA

CUBA

Havana Looks at U.S. Activities at Sea Conference
(Regula Boorstein; PRISMA LATINOAMERICANO, Sep 82).... 12

Briefs
Indian Ocean Conference Delay Condemned 16

SUB-SAHARAN AFRICA

MAURITIUS

International Jurists Back Claim to Diego Garcia
(ADVANCE, 21 Sep 82) 17

Delegation To Attend Regional EEZ Talks
(L'EXPRESS, 23 Sep 82) 18

Briefs
Anil Gayan to Mexico for LOS Convention 19
Korean Captain Fined 19

SENEGAL

Review of Nation's Industrial Fishing Industry
(Kader Diop; LE MONDE DIPLOMATIQUE, Oct 82) 20

SOUTH AFRICA

Appeal To Be Made for Stricter Fishing Control
(Johannesburg Domestic Service, 24 Nov 82) 24

USSR

Reagan Repudiation of Law of Sea Convention Criticized
(Vsevolod Ovchinnikov; PRAVDA, 15 Jul 82) 25

U. S. TUNA BOATS SAID TO 'INVADE' NEW ZEALAND WATERS

Auckland THE NEW ZEALAND HERALD in English 8 Oct 82 p 5

[Text] Press Assn - Wellington

The Government has been accused of allowing United States tuna boats to "invade" the inshore fishing waters off Northland.

Labour's agriculture and fisheries spokesman, the Hon Sir Basil Arthur (Timaru), yesterday lashed out at Government policies which, he said, were not paying sufficient attention to sustaining fishing stocks.

Speaking during the estimates debate, he told Parliament: "We are not learning as rapidly as we should the extent of the resources."

But, he said, the Government was allowing territorial waters to be "in-

vaded" by 11 American tuna boats.

Inshore fishing was already "over-fished, over-capitalised and over-managed" and the Government should encourage New Zealand fishermen.

Instead its policy was to "open the door for American and other fishermen to come in."

New Zealand boats had caught 70 per cent of the tuna taken in territorial waters last year but were being denied the chance to catch more, he said.

The Minister of Fisheries, Mr MacIntyre, said United States boats on charter had been allowed only to fish the often dangerous waters off the west coast of Northland.

"Very large" quantities of tuna had been spotted in those waters last year and two United States boats allowed a trial there had taken big catches.

But New Zealand boats had rejected the opportunity to fish there — "no New Zealand boat would go near them."

The minister said: "There is a resource going to waste. If New Zealanders are not going to touch those waters I have said we would give the United States a go."

New Zealand fishermen had had the opportunity from the start, he said, but had not taken advantage of it.

TAIWANESE BOAT FORFEITED FOR FISHING IN NEW ZEALAND ZONE

Wellington THE EVENING POST in English 12 Oct 82 p 17

[Text] AUCKLAND, Oct 11 (PA). — The captain of a Taiwanese fishing boat caught fishing in the New Zealand fishing zone was today fined \$10,000 and his vessel and its catch were forfeited to the Crown.

He was also ordered to pay the navy \$42,000 in costs, \$500 in harbour board costs and \$100 solicitor's costs.

Hsing-Chau Hsu, 42, admitted a charge in the Auckland District Court that he was the master of a foreign fishing craft, not being licensed, which was used for fishing in the exclusive economic zone of New Zealand, on October 2.

For the Department of Agriculture and Fisheries, Mr Rodger Haines said Hsu was the commander of the Taiwanese fishing vessel Feng Yuan No 51.

Owned by the Feng Yuan company of Taiwan and operated from Pago Pago,

American Samoa, the vessel engaged in long-line fishing.

Judge P M Brown heard that Hsu told the naval boarding party that he was not aware that New Zealand's exclusive economic fishing zone extended to the Kermadec Islands off which he had been fishing, and that he did not realise he needed a New Zealand licence to fish there.

He stated he understood that Koreans fished in that area all the time.

Counsel for Hsu, Mr G B Hubble, said where Hsu had been fishing could be described as a secondary part of the economic zone.

It was an appropriate case for considerable leniency, he said.

Judge Browne convicted Hsu, saying Hsu knew that the economic zone existed and should have checked the extent of that zone.

CSO: 5200/9112

AUSTRALIA

EDITORIAL HITS REAGAN FOR U.S. REVERSAL ON LAW OF SEA PACT

Perth THE WEST AUSTRALIAN in English 6 Oct 82 p 6

[Editorial]

[Text]

REPORTS of renewed congressional pressure on the Reagan administration to work towards a ratification of the law of the sea convention are welcome. American intransigence could upset an international covenant that is one of the most ambitious ever undertaken.

The law of the sea seeks to enforce agreement among nations on (among other things) how the sea's resources should be exploited and shared. It may not be a topic to fascinate the average citizen, but its ramifications will eventually affect everyone.

America's refusal to sign the document — which has been approved by 130 countries, including the Soviet Union — could have unfortunate long-term consequences. Senator Charles Percy, the influential chairman of the U.S. Senate's foreign relations committee, has described the U.S. stand as the country's biggest single failure.

Mr Reagan was responsible for America's refusal to become party to a document with which it had been deeply involved for the eight years in which the treaty was framed. Under President Carter the U.S. was willing to sign when ratification was required. As it stands, the text contains a considerable amount of the Carter administration's contribution, to the point where the country's current dissatisfaction with the treaty becomes almost ironic.

Mr Reagan's main objections are philosophical. He sees proposals for an international mining instrumentality— to be known as "The Enterprise"—as

running counter to the spirit of free enterprise. He is also opposed to proposals for a mandatory passing of technological know-how from private mining concerns to "The Enterprise."

His stand goes against the motivating spirit of the convention, which seeks to ensure that the sea's resources are shared. It does not try to prohibit private mining, but enables those nations without the means of exploitation to take a share of the sea's wealth and assist in extracting it. In refusing to sign the U.S. is not only denying under-developed nations the share of its technological expertise and financial support considered necessary for the success of "The Enterprise"; it is also laying the foundation for future conflict over who is entitled to what in respect of ocean resources.

There is some parallel between the Reagan administration's attitude to the law of the sea and its approach to the north-south dialogue on aid to developing countries. The Third World viewpoint — that America is unsympathetic and ultimately uncaring — may well be reflected at the Commonwealth Heads of Government Regional Meeting in Fiji this month, where both the law of the sea and the north-south issue are expected to be discussed. There is unlikely to be outright condemnation of the U.S., but there may be an expression of concern and dissatisfaction at U.S. attitudes. Should that dissatisfaction be allowed to grow, the U.S. may find that its unwillingness to commit itself comes at a high price.

MARINE SURVEY TEAMS TO EXPLORE ECONOMIC ZONE

New Delhi PATRIOT in English 29 Oct 82 p 5

[Text]

CALCUTTA, Oct 28 (UNI) — The Geological Survey of India (GSI) has constituted three types of task forces to implement the programme of marine survey and exploration.

According to GSI sources here, each task force will be entrusted with the survey and exploration programme of coastal, exclusive Economic Zone (EEZ) and deep sea.

Headed by a director as chief scientist, each task force would be responsible for carrying out field work, laboratory studies, processing of data and submitting the report of their respective jobs, the sources said.

In addition to the existing laboratory facilities, the GSI had finalised the setting up of two more modern laboratories—one at Mangalore and the other at Visakhapatnam for the analysis of sea-bed materials to be collected during cruises. The equipment would be available under the scheme of acquisition of coastal vessels from the Netherlands.

The sources said the GSI had drawn up a detailed programme for marine survey and exploration for the current field season 1982-83 laying emphasis on the geological features that might localise concentrations of hydrocarbons and to a limited extent phosphatic and barium nodules, with a probable association of radioactive minerals.

The GSI had divided its programme into three oceanic regimes—nearshore shallow waters, continental shelf and margin waters, and deep sea waters.

The first regime extending 12 nautical miles was expected to contain concentration of hard and heavy minerals like ilmenite, monazite magnetite, zircon, gold and diamond.

In deep sea ocean floor the mineral resources of consequence were cobalt in addition to iron and manganese, the sources said.

The sources said the known polymetallic area of the central Indian Ocean was about 2,000 km from the southern tip of the country. The Wharton basin was at a similar distance from the Andaman Islands and the Arabian Sea was about 600 km from the west coast.

The GSI had given priority to the EEZ work which would be taken up during the current field season on the east coast between the Hooghly river mouth and Balasore and on the west coast off Cochin and Trivandrum, the sources said.

Meanwhile, the GSI had acquired an ocean-going vessel 'Samudra Manthan' for work in the EEZ and international water. The vessel, now being modernised in England, was expected to be available by November next, the sources added.

CSO: 5200/7003

S&T MINISTER ANNOUNCES PLAN TO EXPLOIT OCEAN WEALTH

Calcutta THE STATESMAN in English 6 Nov 82 p 9

[Text]

NEW DELHI, Nov. 5.—The Government announced in the Lok Sabha today a plan to give a "dynamic thrust" for the creation of a self-reliant technological base to exploit ocean wealth.

The ocean policy statement outlining the plan was laid on the table of the House by Mr C. P. N. Singh, Minister of State for Science and Technology and Ocean Development.

It was noted that backed by the U.N. law of the seas, India's frontiers had been extended by two million square km of ocean space. Consequently, India had access to new sources of energy, minerals and food.

The law extended the economic jurisdiction of coastal States to an area ranging from 200 to 350 miles from the coastline. An ocean area equal to nearly two-thirds of the land mass had come under India's jurisdiction, giving India exclusive rights to utilize the resources in the region.

It said that India had been recognized as a "pioneer investor" in ocean mining giving the country "the exclusive right to operate in an area of up to 150,000 square kilometres in the high seas for recovery and processing of polymetallic nodules".

The main thrust of India's ocean policy would be on optimal utilization of living resources like fish and sea-weed, exploitation of non-living resources like hydrocarbons, placer deposits and polymetallic nodules from deep sea, and harnessing of ocean energy from waves and tides.

The policy statement said that India would have to develop appropriate technologies to harness the resources, build a supporting infrastructure and create a self-reliant technological base. To meet the challenge the Department of Ocean Development will act as a focal point and work in conjunction with concerned agencies which will be strengthened.

A centralized data system will be set up by DOD for collection and dissemination of information acquired indigenously and from abroad. The statement said that an important component of the ocean development programme should be the acquisition of technology, and setting up of facilities and services to operate large-sized fishing vessels to harvest fish from deeper waters.

INDIA

BRIEFS

MINISTER ON SEABED MINING--There is no report of nodules in India's exclusive economic zone, Minister of State for Science and Technology, C P N Singh informed the Rajya Sabha on Thursday, reports PTI. The Minister told Mr G C Bhattacharya in a written reply that an oceanographic research vessel built in the Federal Republic of Germany was likely to arrive in India in May next year. The member had asked the reasons for India not starting sea-bed mining of "nodules" within India's exclusive economic zone in the Indian Ocean when even the existing research ship Gavshani was sufficient for purpose. The Minister told Mr V Gopalasamy that India had been recognised as a pioneer investor for sea-bed mining in the resolution adopted by the U N conference on the law of the sea on 30 April last. After signing the convention on the law of the sea, which would be opened for signature in December this year, India intended to register its claim for a mining area. He said survey work was in progress and the National Institute of Oceanography, Goa, was conducting these surveys as an agency of the Department of Ocean Development. [Text] [New Delhi PATRIOT in English 22 Oct 82 p 5]

CSO: 5200/7002

MALAYSIA

U.S. STAND ON LAW OF SEA TREATY CRITICIZED

BK111151 Kuala Lumpur International Service in English 0800 GMT 11 Nov 82

[Unattributed commentary]

[Text] The president of the third UN conference on the law of the sea, Mr Tommy Koh of Singapore, stated yesterday that the United States may be taken before the International Court of Justice if it permits the mining of seabed in opposition to the UN Law of the Sea Treaty.

Under President Ronald Reagan, the United States has stated that it will reject the treaty because of certain provisions that will affect deep-sea mining.

The law of the sea proposes that an international seabed authority will be created to oversee the mining of trillion of dollars of cobalt, manganese, copper and nickel found in nodules on the seabed.

The United States feels that in view of its advanced technology, it should literally be given a free hand in the mining of the seabed. The United States had earlier proposed that four American and one French firms be given the status of pioneer companies, which should be allowed to commence operations as soon as possible. But this proposal has ignored the claim of the Japanese and the Russians, who are also fast developing the capacity for deep-sea mining.

Other Third World nations, like India and Brazil, also have the base for the development of such an industry. This unseemingly scramble for the wealth of the seabed has been further complicated by the wishes of the huge number of Third World nations, who feel that they too did have a share of the wealth.

The United States has attempted to maintain its preeminent role by seeking to increase the power of industrialized countries in the council that will make policy for the global government of the seabed. It has also rejected the provision that calls for a sharing of the technology used for seabed mining. As such, the United States is attempting to reach a position where its companies would profit the most from seabed mining operation. This attitude smacks of colonialism and it is a rejection of the concept that the seas are a common heritage of mankind. Such a selfish attitude will certainly not be tolerated and it is only natural for the other nations to seek redress.

Singapore Ambassador Tommy Koh's warning about going to the International Court of Justice to get legal protection was rather mild given the huge stake involved.

The question of international sea borders, territorial and maritime claims, seabed mining and offshore petroleum drilling and the whole host of other issues are at the moment bogged in such confusion that could provoke wars and other conflicts.

The UN Law of the Sea is the most comprehensive sea law ever devised by men. It calls for the creation of a 12-mile territorial limit for maritime nations, a 200-mile exclusive fishing zone for their fishermen, a 350-mile exclusive preserve along the continental shelf for oil and gas rights and a free access by all ships through the various straits.

Many other contentious issues will be resolved by the UN Law of the Sea Treaty. Its importance is illustrated by the fact that other nations have gone ahead and have begun to ratify the treaty, which will definitely become operative and legal soon, with or without the United States.

CSO: 5200/4304

PHILIPPINES

MINISTER SPEAKS ON LAW OF THE SEA

HK060236 Manila BUSINESS DAY in English 5 Nov 82 p 2

[Text] The country attained "immeasurable benefits" under the recently completed convention on the law of the sea, according to Arturo M. Tolentino, minister of state for foreign affairs.

Speaking at yesterday's meeting of the Rotary Club of Manila, Tolentino said the Philippine delegation obtained recognition of the "archipelago principle." The concept was first introduced by Tolentino in 1956 at the United Nations General Assembly.

The archipelago principle, explained Tolentino, assures the country of sovereignty over all the waters around and between her islands, regardless of depth or breadth.

For the Philippines, these waters--known as "archipelagic waters"--measure about 170,200 square nautical miles.

Tolentino, who is a member of the Batasang Pambansa, arrived 2 weeks ago from New York for the final meeting of the conference on the law of the sea and a session in Vienna of the United Nations Commission on International Trade Law.

Zone: In addition to the "archipelago principle," Tolentino said the convention adopted the concept of the 200-mile exclusive economic zone (EEZ). For the country, this means that around the archipelago, there will be an exclusive economic zone of 200 nautical miles wide.

All the living and nonliving resources and below the waters of the zone now belong exclusively to the Philippines, according to Tolentino. He said the country's EEZ is around 395,400 square nautical miles of water, which, he said, is in addition to the historic territorial waters measuring 263,300 square nautical miles.

Tolentino said the 200-mile EEZ is in lieu of claims for territorial seas wider than 12 miles and even extending to 200 miles at the conference.

The new convention on the law of the sea simply called "convention" gives the country sovereign rights over the continental shelf for the exploration and exploitation of natural resources, Tolentino said. This right, he said, is exclusive up to 200 nautical miles from the baselines along the shores.

He added that beyond 200 miles and up to the outer edge of the continental margin, the country will have to share nonliving resources with the international community, from 1 percent to 7 percent of production.

Law: According to Tolentino, it took 12 years to complete the law of the sea. Once it becomes effective, he said, the "convention" will be the universal law of the waters of the earth. It will be the ruling international law that will govern and regulate the rights and duties of all nations in the enjoyment and use of the seas, their waters and resources, and even the air space above them, to a certain extent.

During his speech, Tolentino also discussed the United States' opposition to and its "no" vote on the sea law convention and its possible effect.

He said while the U.S. has not objected to the other provisions of the convention, its opposition was against the portion on deep seabed mining and related matters. This refers to the exploration and exploitation of the resources in the deep seabed outside the limits of the national jurisdiction of states, Tolentino said.

He said this is in line with UN General Assembly resolutions leading to the convening of the conference on the sea law, deep seabed whose resources were declared "the common heritage of mankind." The conference, he said, was mandated, among others, to establish an "equitable international regime," including an international machinery, for the area and its resources.

Rights: Accordingly, Tolentino said, the conference provided in the convention that all rights in the resources of the area are "vested in mankind as a whole," and at the same time, set up an international machinery, called the international seabed authority. The machinery is charged with organizing and controlling activities in the area, with the purpose of administering its resources. One of the principal organs of the machinery is called enterprise, which was formed to carry out activities in the area.

The U.S. objection is anchored on the belief that the convention would not "allow exploration and development under reasonable terms and conditions."

Tolentino cited specific arguments of the U.S.:

--The convention would impose limitations on the production of seabed mining operations;

--It would give substantial competition advantages to the enterprise;

--Private deep seabed miners would be required to transfer technology to the enterprise and to developing countries; and

--Large financial burden would be imposed on industrialized countries whose nationals are engaged in deep seabed mining.

In addition, Tolentino said, the U.S. did not want a one-nation-one vote arrangement in the assembly, another principal organ of the international seabed authority. The U.S. he said, also wanted a guaranteed advantage in the representation and voting procedure in the council, which is the executive organ of the authority.

Goals: As a background, the state minister for foreign affairs said that mining of nonliving resources of the deep seabed area may be undertaken directly by the enterprise or by private investors sponsored by states who helped formulate the sea law convention.

The convention, he said, provides for certain requirements which have to be met by private investors and their sponsoring governments. It was against the requirements that the U.S. may have strongly objected, Tolentino said.

The ultimate objective of the convention, Tolentino pointed out, in regulating private mining activities is to ensure that the financial and other economic benefits derived from mining activities in the deep seabed would be shared equally by all states.

Deep seabeds, according to Tolentino, are said to be rich in so-called polymetallic nodules, which lie at depths of 12,000 to 18,000 feet. The nodules are composed of high-grade metal ores, primarily manganese, copper, cobalt and nickel.

Wealth: According to Tolentino, it has been estimated that there are about 1.5 trillion tons of nodules on the Pacific seabed alone, enough to supply the world markets for thousands of years, while land-based reserves of the metals may be exhausted within decades.

Tolentino said there are plans to harvest the nodules by sweeping the ocean floor with a device that operates like a giant vacuum cleaner.

CSO: 5200/4305

HAVANA LOOKS AT U. S. ACTIVITIES AT SEA CONFERENCE

Havana PRISMA LATINOAMERICANO in Spanish Sep 82 pp 59-60

/Article by Regula Boorstein/

/Text/ In a new act characteristic of the overpowering and unilateral politics which is isolating the United States in the world, Ronald Reagan's government announced a while back that it will not sign the international convention on the Law of the Sea.

The announcement was not a surprise; U.S. intransigence has already hindered the UN Conference on the Law of the Sea, after 9 year of intensive work, from adopting the agreement by consensus, as was its objective.

Nevertheless, the document did get the support of an overwhelming number of the participating nations last 30 April when it was approved by 130 votes for, 4 against and 17 abstentions.

The Third Conference of the Sea, the first in which dozens of countries from the so-called Third World that achieved independence since 1960, worked out in 11 sessions a treaty that includes all parts of the oceans and establishes rules for all its uses.

The negative attitude of the Reagan government in participating in the agreement is one more indication that the ideologues in that administration have prevailed over the few sane and realist elements that still exist in Washington.

On announcing his decision last 9 July, Reagan made known the United States' dissatisfaction with the system which establishes the agreement as to the exploitation of minerals in the seabed outside its national jurisdiction declared in the document (and now since 1970 by the General Assembly of the United Nations) as "the common heritage of mankind."

The American administration seems convinced that the interests of their mining companies in exploiting those riches can be guaranteed through a "minitreaty" with some partners (Great Britain, the German Federal Republic and others) which, moreover, would assure reciprocal mining rights in the international zone of seabeds.

As for other rights established in the agreement, such as those concerning shipping, the passage through straits and others of importance for a maritime power, Washington trusts--according to sources--in superior strength for making valid its claims.

However, among the allies and within the American government itself, doubts do exist as to the suitability of entering into a "minitreaty" and the possibility of enjoying all maritime rights without taking part in the International Agreement on the Law of the Sea.

The displeasure Reagan's decision caused was even reflected in influential news editorials, such as the WASHINGTON POST, the NEW YORK TIMES and in the LONDON TIMES, where the policy of shortsightedness was criticized and condemnation of the international community was bound to be stirred up, particularly among the underdeveloped nations.

American Journalists also expressed fear that the United States could lose its race with its industrial competitors if they stick to the new international system and organize exploitation of deep seabed minerals without that country.

Even the second-in-charge of the U.S. delegation at the Sea Conference, Leigh Ratiner, designated by Reagan and who shares his free marketing ideas, warned in the latest issue of FOREIGN AFFAIRS magazine that not signing the agreement could turn out to be costly for the United States.

The expert, counsel to the American delegation for many years and under several administrations, evidently argued for a different decision in closed discussion.

He warns that a minitreaty signed by some countries as an alternative to the international agreement would be questioned by the international community and would probably be taken to the International Court of Justice, as contrary to the law which would affect the necessary juridical security for financing institutions making large investments that deep sea mining requires.

Ratiner believes that Japan, France, the German Federal Republic and other nations will reach agreements among themselves, but within the spirit of the international convention, leaving their recalcitrant ally abandoned and without secure rights.

He says, moreover, it is a dangerously false assumption that the United States can enjoy the rights guaranteed by the convention--the 200-mile economic zone, jurisdiction over the continental shelf, free commercial and military shipping in the economic zone and through international straits--without the necessity of signing the document.

The policy that brought about the present U.S. isolation in matters of sea rights began with Reagan's arrival in the White House, with the installation of an administration determined to review past positions and to give a fortress-like image in the international arena.

The Sea Conference, wherein the United States had participated in the task of achieving near consensus on a draft agreement, the new government interrupted the 1981 session with the announcement of a complete reexamination of its positions, stating its opposition to concluding negotiations that year.

After delaying the conference for a year, the American delegation got back into the act in 1982, but with a list of demands designed to foul up the laboriously worked out system of sea bed exploitation.

Ratiner himself, the principal U.S. negotiator, admits that the delegation had instructions to convert the treaty into a "frontier mining code" by which the first company to lay out a stake would own the resources without being subject to any regulation or control.

The "77 Group" of underdeveloped countries refused to discuss such fundamental changes in the document already agreed upon and the efforts of a group of minor Western countries--the Nordic countries, Canada, Australia and others--in order to find a formula for agreement were turned down flatly by the United States.

The intransigence shown by Washington ended up displeasing even its firmest allies in defense of the principle of free enterprise. Great Britain and the Federal Republic of Germany, which, together with France, Japan and some other nations interested in seabed mining, saw it more convenient to seek an advantageous arrangement within the agreement itself for the attainment of an internationally recognized system of exploitation.

For the sake of winning the support of those countries and in a last ditch effort to achieve the adoption by consensus, the conference chairman, Tommy T. B. Koh, negotiated several changes in order to satisfy the main aspirations of future miners, including in particular a contract guarantee for exploitation.

Even though Koh, at U.S. insistence, finally had to submit the entire text to a vote, the inclusion of guarantees for existing consortiums can explain why no industrialized nation, aside from the United States, gave a negative vote.

For personal reasons, Israel, Turkey and Venezuela also cast negative votes, while countries with mining interests like Canada, France and Japan, voted affirmatively, and Federal Germany, Belgium, Great Britain, Italy and Holland abstained.

Except for Ronald Reagan, who wanted a document to his own liking, everyone recognizes that the agreement, the result of 93 weeks of complex negotiations between more than 150 nations throughout 9 years, is a collection of provisions on a wide range of problems in which no one will win all his objectives and each one had to make concessions, but whose final balance ought to be respected.

Its 320 articles and nine annexes show the way for U.S. conduct on the oceans of the world through the definition of maritime zones, the establishment of rules for marking boundaries, the debts and obligations of a juridical nature, and the creation of a mechanism for solving controversies.

Among other definitions, it establishes a 12-mile territorial sovereignty, an exclusive economic zone of 200 miles wherein its coastal nations control the resources, jurisdiction over resources on the continental shelf up to 350 miles, and shipping and overflight rights in economic zones and international straits.

Without doubt, the most novel part of the agreement and which caused the most controversy is the one that creates an international rule for exploitation of the deep seabeds in the international zone--wherein some have seen the first step towards a New International Economic Order.

The activities in that zone are carried out under the control of an international authority on marine deptsh which, moreover, will begin its own mining operations through an enterprise created for that purpose.

At the same time, that authority will contract with private and state enterprises for granting mining extraction rights in the zone whose resources will be administered as a "common heritage of mankind." Those are the contracts that will guarantee "first investor" status to existing qualified consortiums.

The participants in the agreement will contribute to financing the authority and its enterprise in accordance with its financing quota for the United Nations, according to a figure based principally on the gross national product of each country.

However, many experts think it is probable that the majority of nations that abstained in the voting will sign the agreement when the time comes in Caracas in December of this year, because only it can assure them the benefits and guarantee rights within the internationally accepted juridical system.

9908
CSO: 5200/2003

CUBA

BRIEFS

INDIAN OCEAN CONFERENCE DELAY CONDEMNED--Cuba has stated at the United Nations that despite the UN resolution to convert the Indian Ocean into a peace zone, military bases in that area had been expanded and strengthened, increasing imperialism's warmongering and military presence there. Appearing before the UN Commission for Political and Security [Affairs] and in direct reference to the U.S. Government, Cuban delegate Pedro Nunez condemned the delaying tactics being used to postpone the Indian Ocean conference. [Text] [FL051535 Havana Domestic Service in Spanish 1200 GMT 5 Nov 82]

CSO: 5200/2005

MAURITIUS

INTERNATIONAL JURISTS BACK CLAIM TO DIEGO GARCIA

Port Louis ADVANCE in French 21 Sep 82 p 1

[Article: "An International Conference of Jurists Lends Its Support to the Mauritian Government"]

[Text] A three-day international conference of jurists held in New Delhi lent its support to the claims of the government of the island of Mauritius aimed at recovering the island of Deigo Garcia in the Indian Ocean, currently used by the United States as a military base.

Approximately 100 delegates from 34 countries of Asia, Africa, Europe and the United States participated in this conference, co-sponsored by the Indian Association of Jurists and the International Association of Men of the Law, the theme of which was "The Indian Ocean, Peace Zone."

A conference spokesman told the press that the delegates had decided to support the claims of the Mauritian government, considered as likely to contribute to peace in the Indian Ocean.

Friday, in an official message to the conference, the Indian Prime Minister, Mme Indira Gandhi, stated that, if the Indian Ocean became a real peace zone, it would be an example for the world.

9064
CSO: 5200/1

MAURITIUS

DELEGATION TO ATTEND REGIONAL EEZ TALKS

Port Louis L'EXPRESS in French 23 Sep 82 p 1

[Article: "Exclusive Economic Zones: Regional Seminar in Seychelles on the Surveillance of the 200-Mile Zone"]

[Text] In the framework of the Seychello-Mauritian Corporation, a three-person delegation is currently in Seychelles to participate in a regional seminar having as its theme "monitoring control" and surveillance in the exclusive economic zone."

The Mauritian delegation is made up of Anil Gayam and A. Venkatasamy from the Ministry of Agriculture, Fishing and Natural Resources and Hussein Nakhuda from the Ministry of Planning and Economic Development.

The conference, which is being held under the auspices of the Food and Agricultural Organization (FAO), began Monday, 20 September, and will end Saturday. During Seychelles' President Albert Rene's visit to Mauritius last July, an economic trade, technical and cultural cooperation agreement was signed between the two countries. During this visit, the discussions between the Mauritian and Seychelles delegations involved the problem of Saya de Malha among other things. It had been decided to study the issue of sovereignty of the banks more closely, and in the meantime, the two countries would take steps necessary to jointly insure the protection and exploitation of the fishing banks making up the two countries' exclusive economic zone. The two countries had also been concerned with the problem of surveilling the two countries' exclusive economic zone.

9064
CSO: 5200/1

MAURITIUS

BRIEFS

ANIL GAYAN TO MEXICO FOR LOS CONVENTION--Anil Gayan, MMM /Mauritian Militant Movement/ deputy and specialist in LOS /Laws of the Sea/ questions, left yesterday afternoon for Mexico, where he will attend a conference whose objective is to study the prospects likely to get the largest number of countries to sign the Agreement on the Laws of the Sea. Gayan received for this purpose a personal invitation from the Mexican government and the International Ocean Institute.

According to Gayan, the conference, which will be presided over by the Mexican Minister of Foreign Affairs, Mr Castaneida, is of great importance for the agreement is in danger and it is necessary to do everything to save it. It has taken many years to prepare this agreement which Gayan considers as being acceptable to everyone. "If the agreement is not signed at Caracas next December, it will be chaos," he declared. It would appear that certain European countries, as well as the United States, reportedly are reluctant to sign the agreement, as it has been drawn up. The MMM deputy points out the agreement protects small countries. In the case of the island of Mauritius, in spite of the fact that it has an economic zone of 200 miles, it is indispensable that the agreement be accepted, for it will give our laws international respect. On his return, Gayan will stop in New York to lobby with some countries to convince them to sign the agreement. Gayan has been an active participant in all the Laws of the Sea Conferences. He was then senior crown counsel at the public prosecutor's office. /Text/ /Port Louis LE MAURICIEN in French 26 Oct 82 p 4/ 8490

KOREAN CAPTAIN FINED--The captain of a Korean freighter was fined 10,000 rupees by customs officials last Wednesday for not declaring an excess of two-tons of fish in a load of 95 tons, intended for a local company. Under customs regulations, the freighter officials must declare in their "manifest" the total loads that their freighters are carrying at the time they enter the port, even when they are in transit. However, during an inspection on board, customs officials realized that an excess load of approximately two tons of fish and shark fins had not been declared. Later on the captain appeared before the customs collector, who sentenced him to pay a fine of 10,000 rupees. The boat left again two days after having unloaded all its cargo. [Text] [Port Louis THE NATION in French 17 Sep 82 p 1] 9064

SENEGAL

REVIEW OF NATION'S INDUSTRIAL FISHING INDUSTRY

Paris LE MONDE DIPLOMATIQUE in French No 343, Oct 82 pp 25,27

[Article by Kader Diop]

[Text] Senegal has a lot going for it in its aim of becoming one of the major fishing nations within the next few years: to begin with, it has close to 700 kilometers of coastline along the portion of the Atlantic considered richest in fish, and secondly, a large population of experienced fishermen. Fish may well turn out to be "blue gold" for Senegal, a desert Sahel country with no oil resources.

Senegal has already set its sights on that goal, since, along with peanuts and the tourist trade, deep-sea fishing is one of the major sectors in Senegal's economy, providing one of the prime sources of income for the peasants and revenues for the state. In times of drought and poor peanut crops, like 1980, the fisheries also become the nation's biggest earner of hard currencies, well ahead of peanuts and phosphates, bringing in the equivalent of 35.5 billion CFA francs in exchange for exports of 84,000 tons of fish.

The earnings in hard currency rose in 1981 (37 billion CFA), as did quantities exported (90,000 tons). Overall production, however, declined considerably: 229,317 tons as against 359,230 in 1980. The drop occurred because catches brought home by small traditional fishing operations declined by 50,000 tons, doubtless due to poor weather conditions, and because of the absence of Polish fishing vessels following abrogation of the fishing treaty between Poland and Senegal, which allowed the Polish vessels to operate in Senegal's waters.

Another explanation for the drop in production is the more selective policy adopted by the government in granting fishing licenses since the establishment in 1980 of a Secretariat of State in charge of deep-sea fisheries. The effect of this new policy can be seen in the decline in the numbers of foreign trawlers that used to operate in Senegalese waters, and in the falling output of Senegal's industrial fisheries (80,789 tons in 1981 as against 161,625 tons in 1980).

France Is Biggest Customer

Hence the output of the commercial fisheries could not make up for the losses in small-scale fishing operations, by far the largest sector, and the one that produces some 70 percent of the Senegalese catch. This sector, though, is handicapped by its seasonal nature and by the extremely short range of its dugout fleet, as well as by its inadequate storage facilities. Close to 32,000 fishermen operate in this branch of the industry, and use 5,000 motorized dugouts and 4,000 sailing boats.

Efforts are already under way to modernize the traditional fleet, including equipping the dugouts with motors and nets, and organized marketing of the catch, provision of refrigerated storage facilities and organization of fishing cooperatives; 13,500 fishermen are now members of 31 cooperatives.

As for the industrial fisheries, one of the besetting problems is the venerable age of the Senegalese fleet, which consists of 129 trawlers, 4 tuna boats, and 14 sardine boats. It is dominated by foreigners, particularly in the tuna fishery, where in 1981 a nose-count showed 44 French and 19 Spanish boats. The reason for the rusty state of the Senegalese fleet is that Senegalese fleet operators, chronically short of money, tend to buy second-hand boats that have seen better days.

The consequence of this situation is that maintenance of these boats, which is costly, cuts sharply into the profits of the fleet operator. Nevertheless, the catch of the Senegalese fleet, 43,600 tons, accounts for more than half the total output of the industrial fisheries.

This production, destined to supply local seafood processing plants (31 freezing plants, 3 canneries, and 3 fish-meal factories), is oriented primarily toward the export market. In 1981, 4,617 tons of shellfish, 2,666 tons of mollusks, 60,193 tons of fish, 15,728 tons of canned fish, 7,500 tons of fish-meal, fish oil, and processed fish were exported. Senegal's biggest customers are France (23,863 tons, including 12,693 tons of canned tuna), Ivory Coast (44,360 tons), and Japan (3,353 tons).

The importance of the industrial fishery in Senegal's foreign trade, and also as a source of jobs, justifies the measures the government has taken to encourage it. One move was establishment of a Maritime Credit institution designed to breathe new life into the sector by helping Senegalese businesses to replace their aging fleets and build processing and marketing infrastructures for fishery products. Maritime Credit, which has begun operations, last April approved six projects (four for fleet expansion or upgrading and two for processing plants) which will require a total of 1.450 billion CFA francs.

Senegal, which has claimed boundaries of 150 nautical miles for its territorial waters and 200 nautical miles as its exclusive zone, has altered its policy for granting licences, as much in order to get more profit from exploitation of its fishing resources as to protect and encourage Senegalese fishermen.

As of now, fishing licences have been abolished for foreigners, and will be distributed, following signed agreements, only to countries or groups of countries. Agreements of this kind are in effect with the EEC, Spain, and Ivory Coast, and they stipulate that licences shall be issued for taking specific types of fish, and that the licence fee will depend on the capacity of the ships involved and may be altered on the basis of the proportion of the catch put ashore in Senegal. Validity of fishing licences, which earned Senegal nearly 5 billion CFA francs in foreign currency in 1981, runs for 2 years as compared with a 10-year term for earlier agreements.

The industrial fishery could also see its output increase markedly, and could also catch up with the small-scale fishery, with completion of a joint Senegal-Denmark project -- one of the biggest of its kind in the world -- since it calls for production of 100,000 tons of fish and seafood . It is an integrated project (thus including production, marketing, processing, and preservation of the catch). The project, already in the experimental stages, will take 9 to 10 billion CFA francs in financing, already under negotiation with Denmark, and the first results are promising (228 million CFA francs in receipts in 3 months); it is quite likely that Project Senegal-Seafood will shortly be moving into the completion stages.

The company will be capitalized at 1 billion CFA francs and 51 percent of its shares will be held by Senegalese fleet operators, according to governmental sources. The Senegal-Seafood project will be implemented in four phases, each one with its own production target of 25,000 tons of seafood products. There are plans to market the catch in Africa (80 percent), Europe, and the United States (20 percent), as well as to create 1,000 new jobs and to build an unloading dock and a processing plant at dockside.

Senegal is also looking for inter-African cooperation with a view to coordinating fishery laws so as to protect the fishing grounds in the Central-West Atlantic, the richest in the world, and to prevent overfishing of the African resources.

For Senegal, as for other countries in the area, coastal surveillance still poses problems. It is hard for African countries, already coping with numerous financial difficulties, to protect the resources in their territorial waters against the encroachments of foreign ships.

Even though the production of Senegal's deep-sea fisheries has shown a tendency to level off over the past several years, it is nevertheless certain that this sector -- if all hoped-for investments materialize -- will, over the next 5 years, grow into the biggest one in the entire Senegalese economy. It could then go on to challenge Nigeria for first place among African producers.

6182

CSO: 5200/8

SOUTH AFRICA

APPEAL TO BE MADE FOR STRICTER FISHING CONTROL

MB241325 Johannesburg Domestic Service in English 1115 GMT 24 Nov 82

[Text] South Africa is to appeal for stricter control over fishing along the west coast at next week's meeting of the International Commission for the Southeast Atlantic Fisheries to be held in the Canary Islands. Announcing this in Windhoek, the leader of the South African delegation, Mr (Piet Kruger), said South Africa would request an extension of the closed fishing zone from 24 to 36 km. The commission would also be requested to introduce an inspection service. Mr (Kruger) said South Africa felt that control measures should be based on a ratio between the quota and capacity of trawlers.

Mr (Kruger), who is secretary of economic affairs in south-west Africa, said the quota restrictions applicable to member countries of the International Commission also applied to the south-west African territorial waters. Problems were encountered in enforcing the restrictions because the territory was not yet independent. South-west Africa's fishing resources were being abused by trawlers from Romania, Bulgaria and Poland. Mr (Kruger) said he had proof that trawlers from these east European countries were catching double their allotted quotas of hake, (masbanker) and mackerel.

CSO: 5200/9

REAGAN REPUDIATION OF LAW OF SEA CONVENTION CRITICIZED

Moscow PRAVDA in Russian 15 Jul 82 p 5

[Article by Vsevolod Ovchinnikov: "From Imperial Positions"]

[Text] President Reagan the other day announced the refusal of his administration to sign the new international convention on the law of the sea, which was passed on 30 April by a conference of the United Nations. (It will be opened for signing in December of this year, and the Soviet Union will be one of the first states which will sign this important document.) As Reagan himself reminded, the United States participated for many years in the drafting of this convention along with representatives of more than 150 countries. But, as the President asserted, now it has suddenly turned out that the section of the convention, which is devoted to the development of the resources of the sea bed, ostensibly "is not in line with the goals of the United States."

The new convention is a code of international law principles and norms of the use of the sea expanses and the development of the resources of the world ocean. It was worked out as a result of many years of efforts and mutual concessions of all the parties to the negotiations and is a balanced "package" of compromise understandings on all the closely interconnected questions of the law of the sea. This painstaking work was carried out with the participation of the three preceding American administrations. And only the fourth, current administration repudiated the understandings which had been reached with its predecessors, and demanded that the already agreed on text be revised.

As is evident, it does not please the current master of the White House that the convention proclaims as its main goal the use of the wealth of the world ocean in the interests of all mankind; that it envisages steps against the monopolization of the resources of the sea bed and the uncontrolled access of private companies to their mining; finally, that the decision-making procedure does not hold out to the United States the dominant role to which it has become accustomed in international monetary and financial organs.

The refusal to sign the new convention on the law of the sea in many ways is reminiscent of the fate of the SALT-2 Treaty. In both instances the long years of searching for a mutually acceptable, balanced compromise were one-sidedly crossed out. In both instances the imperial ways and the attempts to achieve a dominant position and to seize one-sided advantages at the expense of the interests of others are clearly evident. In both instances the stand of the current U.S.

administration and its repudication of the previously reached understandings are at variance with the principle of the conscientious observance of the assumed obligations and the principle of legal continuity in interstate relations. The question arises: Is not the refusal of Washington to sign the convention on the law of the sea a maneuver for the purpose of freeing its hands for the arbitrary seizure of the sea expanses and the resources of the world ocean, which the current administration regards as another "sphere of the vital interests of the United States"?

7807

CSO: 5200/1002

END